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SENSITIVE

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SUBJECT: AUTHORITIES ADMIT SWEEPING INVESTIGATIONS OF OPPOSITION  
SUPPORTERS

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REF:

(U) Sensitive but unclassified. Please protect accordingly.

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SUMMARY  
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¶1. (SBU) On July 1, at a rare press conference, opposition leader Levon Ter-Petrossian (LTP) publicized an internal government order to round up participants of the opposition rallies in Yerevan, wiretap their phone conversations, collect personal data about them and much more. Special Investigative Service Chief Andranik Mirzoyan, admitting the authenticity of the document, said that similar directives were sent to other regional prosecutors, the Police and the National Security Service (NSS). The Ombudsman has since declared that the orders were illegal and has launched an inquiry. The document offers a window into authorities' overzealous investigation into the political opposition after March 1. END SUMMARY.

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THE EYE OPENER  
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¶2. (SBU) At the press conference, LTP described the publicized document as further proof that the government crackdown on the opposition has been accompanied by grave human rights abuses. According to LTP this was at the same time both a marvelous document, showing the true face of the regime, and a monstrous one, proving the dictatorial nature of the country. He described the document as political, and claimed that in reality it was written by former President Kocharian. LTP also expressed hope that the revealed document will finally open the eyes of the Europeans as to the nature of the current authorities, mentioning in particular the Parliamentary Assembly of the Council of Europe.

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BACKGROUND CHECKS, WIRETAPPING AND MORE  
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¶3. (SBU) Through the directive, Special Investigative Service (SIS) Chief Mirzoyan ordered the regional prosecutor of Vayots Dzor to identify and question participants of LTP rallies, as well as the local LTP campaign managers. Subjects cited as of interest to the SIS included any conversations at political rallies about foreign assistance, activists' perceptions about instability being advantageous to Armenia's neighbors and other foreign agencies, and any talk of eliminating the Russian presence in the country. The directive further instructed him to interrogate these people about their whereabouts within the period between February 20 and March 2

and to gather personal information on them, do criminal background checks and collect reports from their neighbors and local authorities about them and their family members.

14. (SBU) The directive also mandated that prosecutors obtain the phone numbers of local LTP campaign chiefs and get court permission to wiretap them, to discover the property owned by rally participants and campaign chiefs, to get copies of their passports, to find out the names of the drivers of the mini-buses and taxis who brought people from Vayots Dzor to Yerevan to participate in opposition rallies, and to find out who accompanied their passengers, who paid their fares and what they said about the rallies.

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THE NOT SO "MYSTERIOUS" ORIGIN OF THE DOCUMENT  
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15. (SBU) LTP refused to reveal how he had discovered this directive but, according to the SIS, the document was attached to one of the March 1 criminal case files and was handed among other papers to the attorney. According to the SIS chief, Mirzoyan said similar directives were sent to other regional prosecutors of Armenia, the Police and the NSS.

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FOREIGN-PAID PROTESTERS?  
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16. (SBU) Vahagn Harutyunian, a senior SIS official leading the ongoing criminal investigation into the post-election violence, told the press that these directives "did not pursue any political goals." Harutyunian, repeating the official thesis that the March 1 clashes were instigated by LTP as part of an alleged plot to seize

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power by force, claimed obliquely that authorities had obtained evidence that the political instability and civil disorder in the country were masterminded by a single "center" which he alleged had received foreign funding. He said that authorities must further investigate any possibility of foreign interference in the country's affairs.

17. (SBU) Harutyunian also claimed that participants of LTP's rallies were paid to spend the nights in Freedom Square; therefore, they aimed to identify those individuals who organized the recruitment and paid for their participation in the rallies as well as those who received that money. (Note: According to RFE/RL, none of the more than 100 opposition members and supporters arrested since the troubled presidential balloting is known to have been formally charged with illegally financing the LTP campaign for regime change. End Note.)

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THE DIRECTIVE: ILLEGAL OR NOT?  
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18. (SBU) Most opposition media outlets and human rights organizations labeled the directive as completely illegal and unconstitutional. The Ombudsman, Armen Harutyunian, conducted a legal review of the directive, and told a press conference July 11 that his team found the order illegal in substance and on a variety of procedural grounds. A senior prosecutor agreed, in a private conversation with the embassy, that the action was indeed illegal.

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OPINION FROM BEHIND THE BARS  
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19. (SBU) Former Deputy Prosecutor General Gagik Jhangirian, who is currently in prison on charges of resistance to law-enforcement representatives and usurpation of power, also branded the order as illegal in a public statement. According to Jhangirian the SIS exceeded its authority with this directive, and this is not the only such case. Jhangirian thinks that SIS, which is in charge of

investigating March 1 criminal cases, has taken over a broad range of responsibilities outside of its legal mandate, is improperly influencing state agencies and officials, and has turned judges into its secretaries.

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COMMENT  
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10.(SBU) The activities disclosed are a combination of legitimate investigative behavior and clearly excessive intrusions into personal privacy -- in some cases amounting to pure "fishing expeditions" against opposition supporters. Some of the procedural and institutional/ jurisdictional infractions that have greatly exercised local observers are of less concern to us than the broader context of investigators undertaking wide-ranging investigations with no more justification than that the individual was a political party organizer on behalf of the opposition candidate or simply attended a political rally as a private citizen. It is hard to know what is most troubling about this, the fact of the violations themselves, or the blas reaction of authorities who seem not to see anything scandalous in the disclosure. Apparently, Armenian law enforcement and security forces do not even know enough about internationally accepted civil liberties standards to have the good grace to be embarrassed.

PENNINGTON